

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. CR 18-458 RS (1)
)	
Plaintiff,)	[PROPOSED] ORDER FOR FORFEITURE OF
)	BOND, JUDGMENT AGAINST DEFENDANT,
v.)	AND ENFORCEMENT OF SURETIES'
)	OBLIGATIONS, AND JUDGMENT ON BOND
ABEL MEDINA HERNANDEZ a/k/a William)	
Castro Forastieri,)	
)	
Defendant.)	

On July 23, 2020, the Court heard the United States' Motion for Forfeiture of Bond, Judgment Against Defendant, and Enforcement of Sureties' Obligations. Having considered the government's motion, the sureties response in opposition, the government's reply thereto, as well as the arguments of counsel, the Court makes the following findings and order:

1. On or about March 1, 2019, the defendant, as well as sureties Uriel Hernandez and Maricela Jimenez, executed a bond in the amount of \$250,000 secured by certain real property located at 2515 Hazelwood Way, East Palo Alto, California. Additionally, Bertha Jimenez and Wilfrano Medina Hernandez executed a bond in the amount of \$50,000. The bond was conditioned on, among other things, the defendant remaining in his residence during certain hours and appearing for Court as required.

2. The defendant and the each of the sureties agreed that the payment of the full amount of the bond would be due forthwith if the defendant failed to obey his conditions of release. Each of the sureties also agreed that judgment may be executed against him and the defendant jointly and severally for any violation.

3. On March 9, 2019, the defendant did not return to his residence as required by the terms and conditions of his bond. On March 11, 2019, the Honorable Laurel Beeler revoked the defendant's bond pursuant to 18 U.S.C. § 3148 and issued a no-bail arrest warrant. In addition, on March 12, 2019, and March 26, 2019, the defendant failed to appear for a status conference before this Court. *See* ECF Nos. 16, 23. The defendant's whereabouts remain unknown.

4. By failing to appear for court proceedings as ordered and failing to return to his residence as required, the defendant violated the conditions of his release.

5. The Office of the Clerk of the Court for the Northern District of California served copies of the United States' motion on the sureties in accordance with Federal Rule of Criminal Procedure 46(f)(3)(C), and counsel for the non-defendant sureties entered an appearance, responded to the government's motion, and appeared at the hearing. The defendant's counsel also appeared at the motion hearing.

In light of the foregoing findings, and for good cause shown,
IT IS HEREBY ORDERED as follows:

- (1) The United States' motion (ECF No. 44) is granted;
- (2) Pursuant to General Order 55, the defendant's bond and all property used to secure the bond, real or otherwise, including the real property located at 2515 Hazelwood Way, East Palo Alto, California, up to the amount of the bond, is forfeited;
- (3) Judgment is entered in favor of the United States and against the defendant and sureties Uriel Hernandez and Maricela Jimenez, jointly and severally, in the sum of \$250,000, plus interest from the date of entry of judgment as provided by law until paid in full, plus costs of court;
- (4) Judgment is entered in favor of the United States and against the sureties Bertha Jimenez and Wilfrano Medina Hernandez, jointly and severally, in the sum of up to \$50,000, to the extent

necessary to satisfy the total judgment of \$250,000.

DATED: _____

HON. RICHARD SEEBORG
United States District Judge